

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARIO HANNA, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
PALISADES PROPERTY & CASUALTY	:	
INSURANCE COMPANY	:	Civil No. 5:23-cv-01051-JMG
trading as	:	
PLYMOUTH ROCK ASSURANCE CORP.	:	
doing business as	:	
PLYMOUTH ROCK ASSURANCE CORP.,	:	
Defendant.	:	

ORDER

AND NOW, this 21st day of June, 2023, upon consideration of Defendant Palisades Property & Casualty Insurance Company d/b/a Plymouth Rock Assurance Corporation's Motion to Dismiss (ECF No. 9), Plaintiffs Mario Hanna and Josephine Evola's Response in Opposition to Defendant's Motion to Dismiss (ECF No. 10), any exhibits thereto, and for the reasons provided in the accompanying Memorandum Opinion,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (ECF No. 9) is **DENIED IN PART AND GRANTED IN PART**. Defendant's Motion to Dismiss is **DENIED** concerning Plaintiffs' Count I (Breach of Contract) claim.

IT IS FURTHER ORDERED Defendant's Motion to Dismiss is **GRANTED** concerning Plaintiffs' Count II (Bad Faith) claim. Plaintiffs' bad faith claim is dismissed without prejudice. Plaintiffs may file an amended complaint **WITHIN FOURTEEN (14) DAYS** of the date of this

Order. If Plaintiffs fail to timely file an amended complaint, Plaintiffs' bad faith claim will be dismissed with prejudice.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge